

REMARKS

The Examiner has suggested: "Since at least one of p and w must be non-zero per claim 1, the examiner suggests that "d, e, f, g, p and w independently are 0-3" as recited in the penultimate line of claim 15 be changed to --d, e, f and g independently are 0-3. Likewise, the examiner suggests deleting "p and w independently are 0-3;" from the penultimate line of claim 21." Claims 15 and 21 have been amended accordingly.

Claims 1-16, 18-25 and 28-33 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to the Examiner, "The application as originally filed provides insufficient support for the negative proviso for R¹ and R² as recited in present claims 1 and 21 that adjacent substituents may not join to form a ring." Applicants disagree.

Original claim 1 provided that adjacent R¹/R² substituents "may join to form a ring." The fact that they may form a ring means they may form a ring or they may not form a ring. The suggestion that they may not form a ring is 100% implicit in suggesting they may form a ring and is therefore adequately supported. The effect of this limitation is to limit the central naphthalene fused ring to naphthalene with no further fused rings which encompasses all of the working examples, which provide adequate support. While not binding on this Examiner, Applicants' attorney notes that such basis has been found adequate in other applications on the same issue.

Claims 1-4, 6-11, 21, 22, 24, 25, 30, 32 and 33 stand rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura et al. (US 2005/0064233 A1). Claims 1-16, 18-25, 30, 32 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 2005/0064233 A1) as applied to claims 1-4, 6-11, 21, 22, 24, 25, 30, 32 and 33 above. That reference is believed removed from consideration by the enclosed Declaration under 37 CFR 1.131.

Claims 1-16, 18-25 and 28-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parton et al. (US 2003/0129449 A1). This

reference is also believed removed from consideration in view of the enclosed Declaration under 37 CFR 1.131

It is noted that the EP 1298738, counterpart of US 2003/0129449, was published on April 2, 2003, and thus the enclosed Declaration speaks of dates prior to April 2, 2003.

STATEMENT OF COMMON OWNERSHIP

The undersigned counsel for Applicants hereby declares that the present application and US patent publication US 2003/0129449 were, at the time this invention was made, owned by or subject to an obligation of assignment to the same person.

In view of the foregoing Statement of Common Ownership, the enclosed Declaration under 37 CFR 1.131, and the other concerns that have been addressed via amendment and/or argument, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Ecl: Declaration under 37 CFR 1.131